



January 11, 2010

HOUSE BILL No. 1181

DIGEST OF HB 1181 (Updated January 11, 2010 12:42 pm - DI 87)

Citations Affected: IC 3-10; IC 3-11; IC 6-1.1; IC 12-7; IC 12-20; IC 15-16; IC 16-31; IC 16-41; IC 22-12; IC 23-14; IC 32-26; IC 33-34; IC 34-30; IC 36-1; IC 36-2; IC 36-6; IC 36-8; IC 36-9; IC 36-10; IC 36-12; noncode.

Synopsis: Referendum on retaining township trustee and board. Requires a public question to be placed on the November 2010 general election ballot in each township regarding whether the voters want to retain a township trustee and township board. Provides that if a majority of voters in a township do not approve the public question, the powers and duties of the trustee and township board are transferred to the county on January 1, 2012. Provides that, except as specifically provided by law, if a majority of voters in a township do not approve the public question: (1) the county executive has the powers and duties of the township trustee in that township; (2) the county legislative body has the legislative powers and duties of the township board in that township; and (3) the county fiscal body has the fiscal powers and duties of the township board in that township. Provides that a transfer of powers and duties between a township and the county results in the transfer of that township's property, equipment, personnel, records, rights, contracts, and indebtedness. Specifies that earnings on the money deposited in a township assistance fund established by a county shall be deposited in the fund. Provides that if a majority of voters in a township do not approve the public question, the county is responsible for providing fire protection in that township and for administering the township fire department. Provides that the property tax rates, property tax levies, and budget of the township shall be calculated and administered by the county separately from the county's property tax rates, property tax levies, and budget, and those property

(Continued next page)

Effective: July 1, 2010.

Crawford

January 7, 2010, read first time and referred to Committee on Government and Regulatory Reform.
January 11, 2010, amended, reported — Do Pass.

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tax rates, property tax levies, and budgets shall be considered property tax rates, property tax levies, and budgets of the township for purposes of statutes concerning budgets and the imposition of property tax rates and levies. Specifies that any indebtedness and any lease rental obligation incurred before January 1, 2012, by such a township become an obligation of the county in which the township is located and shall be assumed, defeased, paid, or refunded by the county. Provides that the county may levy property taxes to pay the indebtedness or lease rental obligations only in the area of the township that incurred the debt. Provides that if a majority of voters in a township in Marion County do not approve the public question, the responsibilities of the township trustee and township board concerning township small claims court are transferred to the: (1) mayor of the consolidated city; (2) city-county council of the consolidated city; and (3) clerk of the circuit court of the county containing the consolidated city. Provides that if a majority of voters in a township do not approve the public question: (1) any school township in that township is required to reorganize not later than July 1, 2011; and (2) the governing body of the school township must hold public hearings to discuss the methods of reorganization available to the school township and seek testimony from the public, community and business leaders, teachers, administrators, and other school employees concerning the appropriate form for the reorganization.

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January 11, 2010

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1181

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 19. (a) The ballot for a primary election shall be
4 printed in substantially the following form for all the offices for which
5 candidates have qualified under IC 3-8:

6 OFFICIAL PRIMARY BALLOT

7 _____ Party
8 For paper ballots, print: To vote for a person, make a voting mark
9 (X or ✓) on or in the box before the person's name in the proper
10 column. For optical scan ballots, print: To vote for a person, darken or
11 shade in the circle, oval, or square (or draw a line to connect the arrow)
12 that precedes the person's name in the proper column. For optical scan
13 ballots that do not contain a candidate's name, print: To vote for a
14 person, darken or shade in the oval that precedes the number assigned
15 to the person's name in the proper column. For electronic voting

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systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner.

(I) County council member.

(5) Township offices:

(A) Township assessor (only in a township referred to in

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- 1 IC 36-6-5-1(d)).
- 2 (B) Township trustee. **This clause does not apply to elections**
- 3 **in 2012 and thereafter in a township that disapproves a**
- 4 **public question under IC 36-6-1.1.**
- 5 (C) Township board member. **This clause does not apply to**
- 6 **elections in 2012 and thereafter in a township that**
- 7 **disapproves a public question under IC 36-6-1.1.**
- 8 (D) Judge of the small claims court.
- 9 (E) Constable of the small claims court.
- 10 (6) City offices:
- 11 (A) Mayor.
- 12 (B) Clerk or clerk-treasurer.
- 13 (C) Judge of the city court.
- 14 (D) City-county council member or common council member.
- 15 (7) Town offices:
- 16 (A) Clerk-treasurer.
- 17 (B) Judge of the town court.
- 18 (C) Town council member.
- 19 (c) The political party offices with candidates for election shall be
- 20 placed on the primary election ballot in the following order after the
- 21 offices described in subsection (b):
- 22 (1) Precinct committeeman.
- 23 (2) State convention delegate.
- 24 (d) The following offices and public questions shall be placed on the
- 25 primary election ballot in the following order after the offices described
- 26 in subsection (c):
- 27 (1) School board offices to be elected at the primary election.
- 28 (2) Other local offices to be elected at the primary election.
- 29 (3) Local public questions.
- 30 (e) The offices and public questions described in subsection (d)
- 31 shall be placed:
- 32 (1) in a separate column on the ballot if voting is by paper ballot;
- 33 (2) after the offices described in subsection (c) in the form
- 34 specified in IC 3-11-13-11 if voting is by ballot card; or
- 35 (3) either:
- 36 (A) on a separate screen for each office or public question; or
- 37 (B) after the offices described in subsection (c) in the form
- 38 specified in IC 3-11-14-3.5;
- 39 if voting is by an electronic voting system.
- 40 (f) A public question shall be placed on the primary election ballot
- 41 in the following form:
- 42 (The explanatory text for the public question,

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if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 2. IC 3-10-2-13, AS AMENDED BY P.L.146-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. (a) The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner.
- (10) County council member.
- (11) Township trustee. **This subdivision does not apply to elections in 2012 and thereafter in a township that disapproves a public question under IC 36-6-1.1.**
- (12) Township board member. **This subdivision does not apply to elections in 2012 and thereafter in a township that disapproves a public question under IC 36-6-1.1.**
- (13) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- (14) Judge of a small claims court.
- (15) Constable of a small claims court.

(b) **This subsection applies to a township that disapproves a public question under IC 36-6-1.1. Notwithstanding subsection (a), an individual elected to any of the following offices at the general election in 2010 shall serve a one (1) year term:**

- (1) **Township trustee.**
- (2) **Township board member.**

This subsection expires January 1, 2013.

SECTION 3. IC 3-11-2-12, AS AMENDED BY P.L.146-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

- (1) Federal and state offices:
 - (A) President and Vice President of the United States.

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- 1 (B) United States Senator.
- 2 (C) Governor and lieutenant governor.
- 3 (D) Secretary of state.
- 4 (E) Auditor of state.
- 5 (F) Treasurer of state.
- 6 (G) Attorney general.
- 7 (H) Superintendent of public instruction.
- 8 (I) United States Representative.
- 9 (2) Legislative offices:
- 10 (A) State senator.
- 11 (B) State representative.
- 12 (3) Circuit offices and county judicial offices:
- 13 (A) Judge of the circuit court, and unless otherwise specified
- 14 under IC 33, with each division separate if there is more than
- 15 one (1) judge of the circuit court.
- 16 (B) Judge of the superior court, and unless otherwise specified
- 17 under IC 33, with each division separate if there is more than
- 18 one (1) judge of the superior court.
- 19 (C) Judge of the probate court.
- 20 (D) Judge of the county court, with each division separate, as
- 21 required by IC 33-30-3-3.
- 22 (E) Prosecuting attorney.
- 23 (F) Clerk of the circuit court.
- 24 (4) County offices:
- 25 (A) County auditor.
- 26 (B) County recorder.
- 27 (C) County treasurer.
- 28 (D) County sheriff.
- 29 (E) County coroner.
- 30 (F) County surveyor.
- 31 (G) County assessor.
- 32 (H) County commissioner.
- 33 (I) County council member.
- 34 (5) Township offices:
- 35 (A) Township assessor (only in a township referred to in
- 36 IC 36-6-5-1(d)).
- 37 (B) Township trustee. **This clause does not apply to elections**
- 38 **in 2012 and thereafter in a township that disapproves a**
- 39 **public question under IC 36-6-1.1.**
- 40 (C) Township board member. **This clause does not apply to**
- 41 **elections in 2012 and thereafter in a township that**
- 42 **disapproves a public question under IC 36-6-1.1.**

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- 1 (D) Judge of the small claims court.
 2 (E) Constable of the small claims court.
 3 (6) City offices:
 4 (A) Mayor.
 5 (B) Clerk or clerk-treasurer.
 6 (C) Judge of the city court.
 7 (D) City-county council member or common council member.
 8 (7) Town offices:
 9 (A) Clerk-treasurer.
 10 (B) Judge of the town court.
 11 (C) Town council member.
 12 SECTION 4. IC 6-1.1-11-4, AS AMENDED BY P.L.182-2009(ss),
 13 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The exemption application
 15 referred to in section 3 of this chapter is not required if the exempt
 16 property is owned by the United States, the state, an agency of this
 17 state, or a political subdivision (as defined in IC 36-1-2-13). However,
 18 this subsection applies only when the property is used, and in the case
 19 of real property occupied, by the owner.
 20 (b) The exemption application referred to in section 3 of this chapter
 21 is not required if the exempt property is a cemetery:
 22 (1) described by IC 6-1.1-2-7; or
 23 (2) maintained by a township ~~executive~~ trustee under
 24 IC 23-14-68.
 25 (c) The exemption application referred to in section 3 of this chapter
 26 is not required if the exempt property is owned by the bureau of motor
 27 vehicles commission established under IC 9-15-1.
 28 (d) The exemption application referred to in section 3 or 3.5 of this
 29 chapter is not required if:
 30 (1) the exempt property is:
 31 (A) tangible property used for religious purposes described in
 32 IC 6-1.1-10-21;
 33 (B) tangible property owned by a church or religious society
 34 used for educational purposes described in IC 6-1.1-10-16; or
 35 (C) other tangible property owned, occupied, and used by a
 36 person for educational, literary, scientific, religious, or
 37 charitable purposes described in IC 6-1.1-10-16;
 38 (2) the exemption application referred to in section 3 or 3.5 of this
 39 chapter was filed properly at least once for a religious use under
 40 IC 6-1.1-10-21 or an educational, literary, scientific, religious, or
 41 charitable use under IC 6-1.1-10-16; and
 42 (3) the property continues to meet the requirements for an

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exemption under IC 6-1.1-10-16 or IC 6-1.1-10-21.

A change in ownership of property does not terminate an exemption of the property if after the change in ownership the property continues to meet the requirements for an exemption under IC 6-1.1-10-16 or IC 6-1.1-10-21. However, if title to any of the real property subject to the exemption changes or any of the tangible property subject to the exemption is used for a nonexempt purpose after the date of the last properly filed exemption application, the person that obtained the exemption or the current owner of the property shall notify the county assessor for the county where the tangible property is located of the change in the year that the change occurs. The notice must be in the form prescribed by the department of local government finance. If the county assessor discovers that title to property granted an exemption described in IC 6-1.1-10-16 or IC 6-1.1-10-21 has changed, the county assessor shall notify the persons entitled to a tax statement under IC 6-1.1-22-8.1 for the property of the change in title and indicate that the county auditor will suspend the exemption for the property until the persons provide the county assessor with an affidavit, signed under penalties of perjury, that identifies the new owners of the property and indicates that the property continues to meet the requirements for an exemption under IC 6-1.1-10-21 or IC 6-1.1-10-16. Upon receipt of the affidavit, the county assessor shall reinstate the exemption for the years for which the exemption was suspended and each year thereafter that the property continues to meet the requirements for an exemption under IC 6-1.1-10-21 or IC 6-1.1-10-16.

SECTION 5. IC 6-1.1-17-3, AS AMENDED BY P.L.182-2009(ss), SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must

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be completed before September 10 of the calendar year.

(b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

- (1) in any county of the solid waste management district; and
- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(c) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

~~(d) This subsection expires January 1, 2009. A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:~~

- ~~(1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund;~~
- ~~(2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund;~~

~~A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.~~

(d) This subsection applies to budgets for calendar years after 2011 and to taxes first due and payable after 2011 for a county in which one (1) or more townships have not approved a public question under IC 36-6-1.1. In 2011 and each year thereafter, the administrator for township assistance for a township shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The county fiscal body shall adopt with the county budget a tax rate uniform throughout the township sufficient to meet the estimated cost of township assistance in the township. The taxes collected as a result of the tax rate adopted under this subsection shall be credited to the township assistance fund established under IC 12-20-1-6.

SECTION 6. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2010]: **Sec. 22. (a) This section applies to indebtedness of a township in which the public question under IC 36-6-1.1 was disapproved.**

(b) The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a county to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-6-1.1 after December 31, 2011.

SECTION 7. IC 12-7-2-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1.5. "Administrator", for purposes of:

(1) IC 12-10-15, has the meaning set forth in IC 12-10-15-1.5;

and

(2) IC 12-20-1-5, has the meaning set forth in IC 12-20-1-5(b);

and

(3) IC 12-24-17, has the meaning set forth in IC 12-24-17-1.

SECTION 8. IC 12-20-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) This section applies only to a county in which one (1) or more townships have not approved a public question under IC 36-6-1.1.

(b) As used in this section, "administrator" means the administrator of township assistance appointed under subsection (c).

(c) The county executive shall appoint an administrator to administer township assistance under IC 12-20 and IC 12-30-4 beginning January 1, 2012, in each township that does not approve a public question under IC 36-6-1.1. The administrator is under the supervision of the executive and holds office at the pleasure of the executive. If the administrator is absent from the administrator's office due to illness, death, vacation, resignation, or removal, the president of the executive, if any, or a qualified person appointed by the executive shall act as administrator until the administrator returns to the administrator's duties or the executive appoints a new administrator.

(d) The following apply to the administration of township assistance under subsection (c):

(1) A suit or proceeding in favor of or against the administrator concerning township assistance shall be conducted in favor of or against the county in the county's corporate name.

(2) The administrator is subject to the same privileges and immunities as are accorded to a township trustee under

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1 IC 12-20-3.

2 (3) The administrator shall propose standards for the issuance
3 of township assistance within each township and the
4 processing of applications for township assistance that meet
5 the requirements of IC 12-20-5.5. The standards are effective
6 upon being adopted by the county legislative body and filed
7 with the county executive.

8 (4) The administrator has the same powers in the
9 administration of township assistance for each township as a
10 township trustee has in the administration of township
11 assistance for a township under IC 12-20-4, IC 12-20-5,
12 IC 12-20-15, IC 12-20-16, IC 12-20-17, IC 12-20-18, and
13 IC 12-20-19.

14 (5) The same standards and requirements that:

15 (A) apply to; or

16 (B) may be imposed upon;

17 recipients of and applicants for township assistance under
18 IC 12-20-6, IC 12-20-7, IC 12-20-8, IC 12-20-9, IC 12-20-10,
19 IC 12-20-11, IC 12-20-12, and IC 12-20-13 apply to or may be
20 imposed upon recipients of and applicants for township
21 assistance administered by the administrator.

22 (6) The administrator may assert a claim against the estate of
23 an individual who received township assistance from the
24 county to the same extent as a township trustee may assert a
25 claim under IC 12-20-27 against the estate of an individual
26 who received township assistance from a township.

27 (7) The administrator is subject to the same reporting
28 requirements with respect to township assistance as a
29 township trustee is subject to under IC 12-20-28.

30 (8) State and local agencies shall provide the administrator
31 with the information provided to a township trustee under
32 IC 12-20-7. The administrator or an employee of the county
33 is subject to the criminal penalty set forth in IC 12-20-7-6 for
34 disclosure of information.

35 (9) An applicant for township assistance and the
36 administrator may appeal a decision regarding township
37 assistance in the same manner that an appeal is taken under
38 IC 12-20-15.

39 (e) Any application for township assistance for which the
40 township has not entered a final decision regarding the granting or
41 denial of township assistance by the close of business on December
42 31, 2011, shall be treated as a new application filed with the county

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on January 1, 2012. The administrator shall make a decision on the application in accordance with the uniform standards adopted under subsection (d)(3).

(f) Any application for township assistance that has been granted before January 1, 2012, but for which assistance has not been disbursed by the township, shall be disbursed and administered by the administrator in accordance with the township's grant of township assistance.

SECTION 9. IC 12-20-1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) This section applies only to a county in which one (1) or more townships have not approved a public question under IC 36-6-1.1.

(b) The county shall establish a township assistance fund for each township.

(c) The fund shall be raised by a tax levy that:

- (1) is in addition to all other tax levies authorized; and
- (2) shall be levied annually by the county fiscal body on all taxable property in the township in the amount necessary to pay the items, awards, claims, allowances, assistance, and other expenses set forth in the annual county township assistance budget for the township.

(d) The tax imposed under this section shall be collected as other county ad valorem taxes are collected.

(e) The following shall be paid into the fund:

- (1) All receipts from the tax imposed under this section.
- (2) Earnings on the money deposited in the fund shall be deposited in the fund.
- (3) Any other money required by law to be placed in the fund.

(f) The fund is available to pay expenses and obligations set forth in the annual budget.

(g) Money in the fund at the end of a budget year does not revert to the county general fund.

SECTION 10. IC 15-16-7-4, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The weed control board consists of the following members to be appointed by the authorizing body:

(1) One (1) member appointed as follows:

- (A) Except as provided in clause (B), the township trustee of a township in the county.
- (B) After December 31, 2011, in a county in which all townships have not approved a public question under

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IC 36-6-1.1, the county officer or employee responsible for the destruction of detrimental plants described in this chapter or the officer's or employee's designee.

(2) One (1) soil and water conservation district supervisor.

(3) One (1) representative from the agricultural community of the county.

(4) One (1) representative from the county highway department or an appointee of the county commissioners.

(5) One (1) cooperative extension service agent from the county to serve in a nonvoting advisory capacity.

(b) Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments.

(c) The board shall elect a chairperson and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to any traveling and other expenses that are necessary in the discharge of the members' duties.

SECTION 11. IC 15-16-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 0.5. After December 31, 2011, the powers and duties established by this chapter are conferred and imposed on the county with respect to each township that has not approved a public question under IC 36-6-1.1.**

SECTION 12. IC 15-16-8-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 0.7. As used in this chapter, "trustee" means:**

(1) the township trustee; or

(2) after December 31, 2011, the county officer or employee responsible for administering this chapter with respect to a township that has not approved a public question under IC 36-6-1.1.

SECTION 13. IC 15-16-8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 1.5. As used in this chapter, "fund" means:**

(1) the township fund; or

(2) after December 31, 2011, the appropriate county fund (in the case of a county to which section 0.5 of this chapter applies).

SECTION 14. IC 15-16-8-5, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2010]: Sec. 5. (a) The township trustee may pay the following costs incurred in cutting or destroying detrimental plants under this chapter:

(1) Chemicals.

(2) Work.

(3) Labor, at a rate per hour to be fixed by the township trustee commensurate with local hourly wages.

(b) If the trustee believes the infestation of the real estate with detrimental plants is so great and widespread that cutting or eradication by hand methods is impractical, the trustee shall use the necessary power machinery or equipment. The trustee may pay for the work at a rate per hour fixed by the township trustee commensurate with the local hourly rate.

(c) When the work has been performed, the person doing the work shall file an itemized bill for the work in the office of the township trustee. When the bill has been approved, the trustee shall pay the bill out of the township fund. If there is no money available in the township fund for that purpose, the township board, upon finding an emergency exists, shall act under IC 36-6-6-14(b) or IC 36-6-6-15 to borrow money sufficient to meet the emergency. **After December 31, 2011, the county fiscal body shall take the actions under this subsection in the case of a township in which the public question under IC 36-6-1.1 was not approved.**

(d) The trustee **or (after December 31, 2011, in the case of a township in which the public question under IC 36-6-1.1 was not approved) the county executive**, when submitting estimates to the township board **or (if appropriate) the county fiscal body** for action, ~~shall~~ **must** include in the estimates an item sufficient to cover those expenditures.

SECTION 15. IC 15-16-8-10, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) When the annual township budget is prepared, a sufficient amount shall be appropriated to enable the township ~~officials~~ **trustees** to comply with this chapter.

(b) **After December 31, 2011, when the annual county budget is prepared, a sufficient amount shall be appropriated to enable the county executive to comply with this chapter with regard to a township that does not approve a public question under IC 36-6-1.1.**

SECTION 16. IC 16-31-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) **After December 31, 2011, in the case of a township in which the public question**

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under IC 36-6-1.1 was not approved:

- (1) the county legislative body has the powers and duties of the governing body of the township under this chapter; and
- (2) the county executive has the powers and duties of the township executive under this chapter.

(b) The governing body of a city, town, township, or county by the governing body's action or in any combination may do the following:

- (1) Establish, operate, and maintain emergency medical services.
- (2) Levy taxes under and limited by IC 6-3.5 and expend appropriated funds of the political subdivision to pay the costs and expenses of establishing, operating, maintaining, or contracting for emergency medical services.

(3) Except as provided in section 2 of this chapter, authorize, franchise, or contract for emergency medical services. However:

(A) a county may not provide, authorize, or contract for emergency medical services within the limits of any city without the consent of the city; and

(B) a city or town may not provide, authorize, franchise, or contract for emergency medical services outside the limits of the city or town without the approval of the governing body of the area to be served.

(4) Apply for, receive, and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services.

(5) Establish and provide for the collection of reasonable fees for emergency ambulance services the governing body provides under this chapter.

(6) Pay the fees or dues for individual or group membership in any regularly organized volunteer emergency medical services association on their own behalf or on behalf of the emergency medical services personnel serving that unit of government.

SECTION 17. IC 16-41-19-7, AS AMENDED BY P.L.73-2005, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) **After December 31, 2011, with regard to a township that does not approve a public question under IC 36-6-1.1:**

- (1) the county has all the rights, duties, and responsibilities of the township; and
- (2) the administrator for township assistance appointed under IC 12-20-1-5 has all the rights, duties, and responsibilities of a township trustee;

under this section for the township.

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1 ~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~, **(c)**, all costs that are
 2 incurred in furnishing biologicals under this chapter,
 3 IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid by:

4 (1) the appropriate county, city, or town against which the
 5 application form is issued from general funds; ~~and~~

6 (2) the appropriate township against which the application form
 7 is issued from funds in the township assistance fund; **and**

8 **(3) after December 31, 2011, in the case of a county described**
 9 **in subsection (a), the appropriate county against which the**
 10 **application form is issued from funds in the township**
 11 **assistance fund established under IC 12-20-1-6;**

12 not otherwise appropriated without appropriations.

13 ~~(b)~~ **(c)** A township is not responsible for paying for biologicals as
 14 provided in subsection ~~(a)~~ **(2)** **(b)** if the township trustee has evidence
 15 that the individual has the financial ability to pay for the biologicals.

16 ~~(c)~~ **(d)** After being presented with a legal claim for insulin being
 17 furnished to the same individual a second time, a township trustee may
 18 require the individual to complete and file a standard application for
 19 township assistance in order to investigate the financial condition of the
 20 individual claiming to be indigent. The trustee shall immediately notify
 21 the individual's physician that:

22 (1) the financial ability of the individual claiming to be indigent
 23 is in question; and

24 (2) a standard application for township assistance must be filed
 25 with the township.

26 The township shall continue to furnish insulin under this section until
 27 the township trustee completes an investigation and makes a
 28 determination as to the individual's financial ability to pay for insulin.

29 ~~(d)~~ **(e)** For purposes of this section, the township shall consider an
 30 adult individual needing insulin as an individual and not as a member
 31 of a household requesting township assistance.

32 SECTION 18. IC 22-12-1-18.7 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 18.7. **(a)** "Qualified
 34 entity" means:

35 (1) a volunteer fire department (as defined in IC 36-8-12-2);

36 (2) the executive of a township providing fire protection under
 37 IC 36-8-13-3(a)(1); or

38 (3) a municipality providing fire protection to a township under
 39 IC 36-8-13-3(a)(2) or IC 36-8-13-3(a)(3).

40 **(b) In the case of a township in which the public question under**
 41 **IC 36-6-1.1 was not approved, the county executive is a qualified**
 42 **entity after December 31, 2011.**

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SECTION 19. IC 23-14-31-26, AS AMENDED BY P.L.143-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 26. (a) Except as provided in subsection (c), the following persons, in the priority listed, have the right to serve as an authorizing agent:

(1) An individual granted the authority to serve in a funeral planning declaration executed by the decedent under IC 29-2-19.

(2) An individual granted the authority to serve in a health care power of attorney executed by the decedent under IC 30-5-5-16.

(3) The individual who was the spouse of the decedent at the time of the decedent's death.

(4) The decedent's surviving adult children. If more than one (1) adult child is surviving, any adult child who confirms in writing that the other adult children have been notified, unless the crematory authority receives a written objection to the cremation from another adult child.

(5) The decedent's surviving parent. If the decedent is survived by both parents, either parent may serve as the authorizing agent unless the crematory authority receives a written objection to the cremation from the other parent.

(6) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent. If more than one (1) individual of the same degree is surviving, any person of that degree may serve as the authorizing agent unless the crematory authority receives a written objection to the cremation from one (1) or more persons of the same degree.

(7) In the case of an indigent or other individual whose final disposition is the responsibility of the state or township, **or (after December 31, 2011, in a township that approves a public question under IC 36-6-1.1) county**, the following may serve as the authorizing agent:

(A) If none of the persons identified in subdivisions (1) through (6) are available:

(i) a public administrator, including a responsible township trustee or the trustee's designee **or (after December 31, 2011, in a township that approves a public question under IC 36-6-1.1) an administrator appointed under IC 12-20-1-5**; or

(ii) the coroner.

(B) A state appointed guardian.

However, an indigent decedent may not be cremated if a surviving family member objects to the cremation or if cremation

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would be contrary to the religious practices of the deceased individual as expressed by the individual or the individual's family.

(8) In the absence of any person under subdivisions (1) through (7), any person willing to assume the responsibility as the authorizing agent, as specified in this article.

(b) When a body part of a nondeceased individual is to be cremated, a representative of the institution that has arranged with the crematory authority to cremate the body part may serve as the authorizing agent.

(c) If:

(1) the death of the decedent appears to have been the result of:

(A) murder (IC 35-42-1-1);

(B) voluntary manslaughter (IC 35-42-1-3); or

(C) another criminal act, if the death does not result from the operation of a vehicle; and

(2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not serve as the authorizing agent.

(d) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the crematory authority of the determination referred to in subsection (c)(2).

SECTION 20. IC 23-14-33-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 3.5. After December 31, 2011, the powers and duties established by this chapter are conferred and imposed on the county with respect to each township that has not approved a public question under IC 36-6-1.1.**

SECTION 21. IC 23-14-33-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 7.5. "Cemetery fund" means:**

(1) the township fund; or

(2) after December 31, 2011, the cemetery fund for a county in which one (1) or more townships have not approved a public question under IC 36-6-1.1.

SECTION 22. IC 23-14-33-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 32.5. "Trustee" means:**

(1) the township trustee; or

(2) after December 31, 2011, the officer or employee of the

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1 **county who is responsible for administering this chapter with**
 2 **respect to a township that does not approve a public question**
 3 **under IC 36-6-1.1.**

4 SECTION 23. IC 32-26-4-2 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The trustee of
 6 each township, the county highway superintendent, the Indiana
 7 department of transportation, or other officer in control of the
 8 maintenance of a highway shall between January 1 and April 1 of each
 9 year, examine all hedges, live fences, natural growths along highways,
 10 and other obstructions described in section 1 of this chapter in their
 11 respective jurisdictions. **However, after December 31, 2011, in the**
 12 **case of a township that does not approve a public question under**
 13 **IC 36-6-1.1, the duties and obligations of a township trustee under**
 14 **this chapter are transferred to the appropriate county official.** If
 15 there are hedges, live fences, other growths, or obstructions along the
 16 highways that have not been cut, trimmed down, and maintained in
 17 accordance with this chapter, the owner shall be given written notice
 18 to cut or trim the hedge or live fence and to burn the brush trimmed
 19 from the hedge or live fence and remove any other obstructions or
 20 growths.

21 (b) The notice required under subsection (a) must be served by
 22 reading the notice to the owner or by leaving a copy of the notice at the
 23 owner's usual place of residence.

24 (c) If the owner is not a resident of the township, county, or state
 25 where the hedge, live fence, or other obstructions or growth is located,
 26 the notice shall be served upon the owner's agent or tenant residing in
 27 the township. If an agent or a tenant of the owner does not reside in the
 28 township, the notice shall be served by mailing a copy of the notice to
 29 the owner, directed to the owner's last known post office address.

30 (d) If the owner, agents, or tenants do not proceed to cut and trim
 31 the fences and burn the brush trimmed from the fences or remove any
 32 obstructions or growths within ten (10) days after notice is served, the
 33 township trustee, county highway superintendent, or Indiana
 34 department of transportation shall immediately:

- 35 (1) cause the fences to be cut and trimmed or obstructions or
 36 growths removed in accordance with this chapter; and
 37 (2) burn the brush trimmed from the fences.

38 All expenses incurred under this subsection shall be assessed against
 39 and become a lien upon the land in the same manner as road taxes.

40 (e) The township trustee, county highway superintendent, or Indiana
 41 department of transportation having charge of the work performed
 42 under subsection (d) shall prepare an itemized statement of the total

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cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 24. IC 32-26-9-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 0.7. As used in this chapter, "trustee" means:**

- (1) the township trustee; or**
- (2) after December 31, 2011, the officer or employee of the county who is responsible for administering this chapter with respect to a township that does not approve a public question under IC 36-6-1.1.**

SECTION 25. IC 33-34-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. The township trustee **or (after December 31, 2011) the clerk of the circuit court in the case of a township that does not approve a public question under IC 36-6-1.1**, shall give ten (10) days notice of all hearings held under section 7 of this chapter in one (1) or more newspapers of general circulation in the county.

SECTION 26. IC 33-34-1-9, AS AMENDED BY P.L.174-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. Not more than two (2) weeks after a hearing is conducted under section 7 of this chapter, the township board **or (after December 31, 2011) the city-county council of the consolidated city in the case of a township that does not approve a public question under IC 36-6-1.1** shall, after considering the evidence, opinions, advice, and suggestions presented at the hearing, enter an order concerning:

- (1) whether a small claims court shall be established or abolished in the township if the township has a population of less than fifteen thousand (15,000) persons;**
- (2) whether the small claims court if any, shall function full time or part time;**
- (3) the location of the small claims court courtroom and offices**

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under IC 33-34-6-1; and
(4) other relevant matters.

SECTION 27. IC 33-34-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The salary of a judge who serves full time must be in an amount determined by the township board of the township in which the small claims court is located **or (after December 31, 2011) the city-county council in the case of a township that does not approve a public question under IC 36-6-1.1.**

(b) The salary of each judge who serves part time must be in an amount determined by **the following:**

- (1) The township board and approved by the city-county council.
- (2) After December 31, 2011, the city-county council in the case of a township that does not approve a public question under IC 36-6-1.1.**

(c) The salary of a judge may not be reduced during the judge's term of office.

(d) At any other time, salaries of any full-time or part-time judge may be increased or decreased by **the following:**

- (1) Township board of the township in which the small claims court is located.
- (2) After December 31, 2011, the city-county council in the case of a township that does not approve a public question under IC 36-6-1.1.**

SECTION 28. IC 33-34-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) The annual salary of a judge shall be paid in twelve (12) equal monthly installments by the township trustee **or (after December 31, 2011) the executive of the consolidated city in the case of a township that does not approve a public question under IC 36-6-1.1.**

(b) The judge may not receive remuneration other than a salary set under section 5 of this chapter for the performance of the judge's official duties except payments for performing marriage ceremonies.

SECTION 29. IC 33-34-5-4, AS AMENDED BY P.L.174-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) If a judge is unable to preside over the judge's small claims court during any number of days, the judge may appoint in writing a person qualified to be a small claims judge under IC 33-34-2-2 to preside in place of the judge.

(b) The written appointment shall be entered on the order book or record of the circuit court. The appointee shall, after taking the oath prescribed for the judges, conduct the business of the small claims

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1 court subject to the same rules and regulations as judges and has the
2 same authority during the continuance of the appointee's appointment.

3 (c) The appointee is entitled to the same compensation ~~from the~~
4 ~~township trustee as~~ accruable to the small claims judge in whose place
5 the appointee is serving.

6 SECTION 30. IC 33-34-6-1, AS AMENDED BY P.L.174-2006,
7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2010]: Sec. 1. The township trustee **or (after December 31,**
9 **2011) the executive of the consolidated city in the case of a**
10 **township that does not approve a public question under**
11 **IC 36-6-1.1.** shall provide a courtroom and an office for each judge in
12 a convenient location within the township that has:

- 13 (1) adequate access;
- 14 (2) sufficient parking facilities;
- 15 (3) a separate and appropriate courtroom;
- 16 (4) proper space and facilities for the bailiff, clerks, and other
- 17 employees; and
- 18 (5) enough room for files and supplies.

19 SECTION 31. IC 33-34-6-2, AS AMENDED BY P.L.174-2006,
20 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2010]: Sec. 2. A township **or (after December 31, 2011) the**
22 **executive of the consolidated city in the case of a township that**
23 **does not approve a public question under IC 36-6-1.1.** shall:

- 24 (1) furnish all:
 - 25 (A) supplies, including all blanks, forms, stationery, and
 - 26 papers of every kind, required for use in all cases in the
 - 27 township small claims court; and
 - 28 (B) furniture, books, and other necessary equipment and
 - 29 supplies; and
- 30 (2) provide for all necessary maintenance and upkeep of the
- 31 facilities where court is held.

32 SECTION 32. IC 33-34-6-3 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. **(a)** Each township
34 shall provide an appropriate and competitive salary of at least five
35 thousand six hundred dollars (\$5,600) for the number of clerks for the
36 small claims court sufficient to:

- 37 (1) operate efficiently; and
- 38 (2) adequately serve the citizens doing business with the court.

39 **(b) After December 31, 2011, in the case of a township that does**
40 **not approve a public question under IC 36-6-1.1, the judges shall**
41 **establish with the approval of the city-county council an**
42 **appropriate and competitive salary of at least five thousand six**

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1 hundred dollars (\$5,600) for the number of clerks for the small
2 claims court sufficient to:

3 (1) operate efficiently; and

4 (2) adequately serve the citizens doing business with the court.

5 SECTION 33. IC 33-34-7-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. The judge of the
7 circuit court, with the assistance of the clerk of the circuit court, the
8 judges of the small claims courts, and the state board of accounts, shall,
9 at the expense of the townships **or (after December 31, 2011) the**
10 **county, in the case of a township that does not approve a public**
11 **question under IC 36-6-1.1:**

12 (1) provide the forms, blanks, court calendar books, judgment
13 dockets, and fee books; and

14 (2) make rules and instructions to direct the judges in keeping
15 records and making reports.

16 The clerk of the circuit court shall keep full and permanent records and
17 reports of each judge's past and current proceedings, indexed and
18 available for reference as a public record.

19 SECTION 34. IC 33-34-8-3, AS AMENDED BY P.L.182-2009(ss),
20 SECTION 391, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) Payment for all costs made as
22 a result of proceedings in a small claims court shall be to the _____
23 Township of Marion County Small Claims Court (with the name of the
24 township inserted). The court shall issue a receipt for all money
25 received on a form numbered serially in duplicate. All township docket
26 fees and late fees received by the court shall be paid to the township
27 trustee **or (after December 31, 2011, in a township that approves a**
28 **public question under IC 36-6-1.1) the clerk of the circuit court at**
29 **the close of each month.**

30 (b) The court shall:

31 (1) semiannually distribute to the auditor of state:

32 (A) all automated record keeping fees (IC 33-37-5-21)
33 received by the court for deposit in the homeowner protection
34 unit account established by IC 4-6-12-9 and the state user fee
35 fund established under IC 33-37-9;

36 (B) all public defense administration fees collected by the
37 court under IC 33-37-5-21.2 for deposit in the state general
38 fund;

39 (C) sixty percent (60%) of all court administration fees
40 collected by the court under IC 33-37-5-27 for deposit in the
41 state general fund;

42 (D) all judicial insurance adjustment fees collected by the

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court under IC 33-37-5-25 for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2; and

(E) seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the state general fund; and

(2) distribute monthly to the county auditor all document storage fees received by the court.

(c) The remaining twenty-five percent (25%) of the judicial salaries fees described in ~~subdivision (1)(E)~~ **subsection (b)(1)(E)** shall be deposited monthly in the **following**:

(1) The township general fund of the township in which the court is located. The county auditor shall deposit fees distributed under ~~subdivision (2)~~ subsection (b)(2) into the clerk's record perpetuation fund under IC 33-37-5-2.

(2) After December 31, 2011, in the case of a township that does not approve a public question under IC 36-6-1.1, the county general fund and credited to the township small claims courts account described in section 5 of this chapter.

~~(c)~~ (d) The court semiannually shall **do the following**:

(1) Pay to the township trustee of the township in which the court is located the remaining forty percent (40%) of the court administration fees described under subsection (b)(1)(C) to fund the operations of the small claims court in the trustee's township.

(2) After December 31, 2011, in the case of a township that does not approve a public question under IC 36-6-1.1, pay to the clerk of the circuit court the remaining forty percent (40%) of the court administration fees described under subsection (b)(1)(C) to fund the operations of the small claims court. The court administration fees shall be deposited in the county general fund and credited to the township small claims courts account described in section 5 of this chapter.

SECTION 35. IC 33-34-8-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 5. (a) This section applies after December 31, 2011, in the case of a township that does not approve a public question under IC 36-6-1.1.**

(b) Fees and costs paid and collected under sections 1 and 3 of this chapter shall be deposited in the county general fund and credited to a separate account identified as the township small claims courts account. Earnings on the money deposited in the account shall be deposited in the account. Money in the account at

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the end of a budget year does not revert to the county general fund.

(c) The executive of the consolidated city may expend funds credited to the township small claims courts account, without appropriation, only for the purpose of administering this article.

SECTION 36. IC 34-30-2-58, AS AMENDED BY P.L.2-2008, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 58. IC 15-16-8-4 (Concerning township trustees, county officers or employees, or persons hired by them for the removal of detrimental plants upon another person's real property).

SECTION 37. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) This section applies only to a township in which a majority of the voters voting on the public question under IC 36-6-1.1 disapprove a public question under IC 36-6-1.1.

(b) A township described in subsection (a) may not enter into a contract with a term that extends beyond December 31, 2011, unless the contract has been approved by the fiscal body of the county.

SECTION 38. IC 36-2-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 21. County Administration of Fire Protection In Certain Townships

Sec. 1. After December 31, 2011, in the case of a township in which the public question under IC 36-6-1.1 was not approved:

(1) the county executive has the powers and duties otherwise granted to or imposed on the township executive for purposes of fire protection and emergency services in that township;

(2) the county legislative body has the powers and duties otherwise granted to or imposed on the township legislative body for purposes of fire protection and emergency services in that township; and

(3) the county fiscal body has the powers and duties otherwise granted to or imposed on the township fiscal body for purposes of fire protection and emergency services in that township.

Sec. 2. After December 31, 2011, in the case of a township in which the public question under IC 36-6-1.1 was not approved, the county legislative body may adopt an ordinance to provide for the imposition and collection of fees for ambulance services.

SECTION 39. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2010]:

**Chapter 1.1. Local Public Question on Retaining Township
Trustee and Board; Transfer of Powers and Duties**

Sec. 1. (a) This chapter applies to all counties.

**(b) With respect to the transfer of duties under section 5 of this
chapter, the county executive:**

**(1) in a county not having a consolidated city, is the county
legislative body; and**

**(2) in a county having a consolidated city, is the mayor of the
consolidated city.**

**Sec. 2. The following question shall be submitted to the
registered voters of each township at the general election in
November 2010:**

**"Shall _____ (insert the name of the township) continue to
have a township government consisting of a township trustee
and a township board?"**

**Sec. 3. (a) The county auditor shall certify the public question
described in section 2 of this chapter under IC 3-10-9-3 to the
county election board of the county. After the public question is
certified, the public question shall be placed on the ballot at the
general election in November 2010.**

**(b) Only the registered voters who are residents of the township
may vote on the public question.**

**Sec. 4. The circuit court clerk shall certify the results of the
public question to the following:**

(1) The secretary of state.

(2) The county auditor.

(3) The department of local government finance.

(4) The department of state revenue.

(5) The state board of accounts.

**Sec. 5. If a majority of the voters voting on the public question
in the township vote "no" to the public question:**

**(1) the county executive is the executive of the township and
shall exercise the executive powers and duties assigned in the
Indiana Code or the Indiana Administrative Code to the
township executive;**

**(2) the county fiscal body is the fiscal body of the township
and shall exercise the fiscal powers and duties assigned in the
Indiana Code or the Indiana Administrative Code to township
boards, including the authority to adopt the township's annual
budget and to levy township property taxes for township
funds; and**

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(3) the county legislative body is the legislative body of the township and shall exercise the legislative powers and duties assigned in the Indiana Code or the Indiana Administrative Code to township boards; beginning on January 1, 2012.

Sec. 6. (a) The abolishment of the office of a township trustee or township board under section 5 of this chapter does not invalidate:

(1) any resolutions, fees, schedules, or other actions adopted or taken by the township board or trustee before January 1, 2012; or

(2) any appointments made by the township board or township trustee before January 1, 2012.

(b) In a county in which a township board and township trustee is abolished under section 5 of this chapter, after December 31, 2012, any reference:

(1) in the Indiana Code;

(2) in the Indiana Administrative Code; or

(3) in any resolution;

to the township board shall be considered a reference to the county fiscal body for fiscal powers duties, any reference to the township board for legislative powers and duties shall be considered a reference to the county legislative body, and any reference to the township trustee shall be considered a reference to the county executive.

Sec. 7. If a majority of the voters in the township voting on the public question vote in favor of the public question, the township retains an elected township trustee and township board, and the county executive, county legislative body, and county fiscal body shall not have the powers and duties of the township trustee and township board.

Sec. 8. IC 3, to the extent not inconsistent with this chapter, applies to an election held under this chapter.

Sec. 9. (a) If a majority of voters in the township voting vote "no" on the public question, on January 1, 2012:

(1) the office of township trustee is abolished;

(2) the township board is abolished;

(3) the functions, duties, and responsibilities of the township trustee and of the township board are transferred to the county; and

(4) the terms of each of the following expire and they are not entitled to any compensation for actions taken after December 31, 2011:

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1 (A) Township trustee.

2 (B) Township board member.

3 (b) Except as specifically provided by law, if powers and duties
4 of a township are transferred to the county under this chapter:

5 (1) the county executive has the powers and duties of the
6 township trustee;

7 (2) the county legislative body has the legislative powers and
8 duties of the township board; and

9 (3) the county fiscal body has the fiscal powers and duties of
10 the township board.

11 Sec. 10. If a majority of voters in the township voting vote "no"
12 on the public question, on January 1, 2012, the following occur:

13 (1) All:

14 (A) assets;

15 (B) debts;

16 (C) property rights;

17 (D) equipment;

18 (E) records;

19 (F) personnel (except as otherwise provided by statute);
20 and

21 (G) contracts;

22 connected with the operations of a township are transferred
23 to the county to be used only for the benefit of the township.

24 (2) Notwithstanding any other law to the contrary, a
25 township's distributive share of any state or local taxes or
26 revenues (other than property taxes) is reduced to zero (0)
27 and is transferred to the county.

28 (3) The property tax rates, property tax levies, and budget of
29 the township:

30 (A) shall be calculated, imposed, adopted, and
31 administered by the county separately from the county's
32 property tax rates, property tax levies, and budget; and

33 (B) shall be considered property tax rates, property tax
34 levies, and budgets of the township for purposes of
35 IC 6-1.1-17, IC 6-1.1-18.5, and other statutes concerning
36 the calculation, imposition, and limitation of property tax
37 rates and levies.

38 (4) The county is responsible for providing fire protection
39 under IC 36-8 in that township and for administering the
40 township fire department.

41 (5) The county executive has the powers and duties otherwise
42 granted to or imposed on the township executive for purposes

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of fire protection and emergency services in that township.

(6) The county legislative body has the powers and duties otherwise granted to or imposed on the township legislative body for purposes of fire protection and emergency services in that township.

(7) The county fiscal body has the powers and duties otherwise granted to or imposed on the township fiscal body for purposes of fire protection and emergency services in that township.

(8) The functions, duties, and responsibilities of the township executive related to fire protection in the township are transferred to the county executive.

(9) The functions, duties, and responsibilities of the township legislative body related to fire protection in the township are transferred to the county legislative body.

(10) The functions, duties, and responsibilities of the township fiscal body related to fire protection in the township are transferred to the county fiscal body.

(11) This subdivision applies to a township:

(A) that is located in a county having a consolidated city;

(B) in which the public question under IC 36-6-1.1 was not approved; and

(C) that has not consolidated its fire department under IC 36-3-1-6.1.

In a township to which this subdivision applies, the township fire department is consolidated on January 1, 2012, into the fire department of the consolidated city without any approvals being necessary by the county executive, city-county council, township executive, or township legislative body.

(12) The county shall administer all firefighting funds of the township, all firefighting cumulative funds of the township, and all other township firefighting assets for the benefit of that township.

(13) If, as of December 31, 2011, the township has a local board for the 1937 firefighters' pension fund or the 1977 police officers' and firefighters' pension and disability fund, that local board is dissolved on January 1, 2012, and the powers, duties, and responsibilities of the local board under IC 36-8-7 or IC 36-8-8, respectively, are assumed by the county's local board for the 1937 firefighters' pension fund and the local board for the 1977 police officers' and

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1 firefighters' pension and disability fund, respectively.
 2 Notwithstanding any other provision, the legislative body of
 3 the county may adopt an ordinance to adjust the membership
 4 of the county's local board to reflect the dissolution of the
 5 township's local board.

6 **Sec. 11. If a majority of voters in the township voting vote "no"**
 7 **on the public question, the following apply on January 1, 2012:**

8 (1) Any indebtedness and any lease rental obligation incurred
 9 before January 1, 2012, by the township become an obligation
 10 of the county in which the township is located and shall be
 11 assumed, defeased, paid, or refunded by the county. The
 12 county may levy property taxes to pay the indebtedness or
 13 lease rental obligations only in the area of the township that
 14 incurred the debt.

15 (2) Notwithstanding any other law, to assume, defease, pay, or
 16 refund all or a part of the indebtedness or lease rental
 17 obligations described in subdivision (1), the county is not
 18 required to comply with any other statutory procedures or
 19 approvals that apply when a unit incurs indebtedness or lease
 20 rental obligations.

21 (3) Notwithstanding subdivisions (1) and (2), a county may not
 22 assume all or a part of the indebtedness described in
 23 subdivision (1) that will exceed the limitations on the amount
 24 of indebtedness that the county may incur. To the extent a
 25 county may not assume all or a part of the indebtedness
 26 described in subdivision (1) because that will exceed the
 27 limitations on the amount of indebtedness that the county may
 28 incur, a special taxing unit is established in the township only
 29 for the purpose of levying property taxes necessary to pay the
 30 indebtedness that is not assumed by the county.

31 (4) The rights of the trustee and the bondholders with respect
 32 to any:

33 (A) indebtedness described in subdivision (1); or

34 (B) bond resolution, trust agreement or indenture, security
 35 agreement, purchase agreement, or other undertaking with
 36 respect to indebtedness described in subdivision (1);

37 remain the same, although the powers, duties, agreements,
 38 and liabilities of the township have been transferred to the
 39 county, and the county is considered to have assumed all those
 40 powers, duties, agreements, and liabilities.

41 **Sec. 12. This chapter contains full and complete authority for**
 42 **the county to take any action necessary to accomplish the transfer**

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1 **the duties and powers from a township under this chapter.**

2 SECTION 40. IC 36-8-7-1, AS AMENDED BY P.L.227-2005,
3 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2010]: Sec. 1. (a) This chapter applies to pension benefits for
5 members of fire departments hired before May 1, 1977, in units for
6 which a 1937 fund was established before May 1, 1977.

7 (b) A firefighter with twenty (20) years of service is covered by this
8 chapter and not by IC 36-8-8 if the firefighter:

9 (1) was hired before May 1, 1977;

10 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,
11 1981); and

12 (3) is rehired after April 30, 1977, by the same employer.

13 (c) A firefighter is covered by this chapter and not by IC 36-8-8 if
14 the firefighter:

15 (1) was hired before May 1, 1977;

16 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,
17 1981);

18 (3) was rehired after April 30, 1977, but before February 1, 1979;
19 and

20 (4) was made, before February 1, 1979, a member of a 1937 fund.

21 (d) A firefighter who:

22 (1) is covered by this chapter before a consolidation under
23 IC 36-3-1-6.1; and

24 (2) becomes a member of a fire department of a consolidated city
25 under IC 36-3-1-6.1;

26 is covered by this chapter after the effective date of the consolidation,
27 and the firefighter's service as a member of a fire department of a
28 consolidated city is considered active service under this chapter.

29 **(e) In the case of a township that does not approve a public**
30 **question under IC 36-6-1.1, a firefighter who:**

31 **(1) as of December 31, 2011, is a member of the 1937 fund as**
32 **a firefighter with a township fire department; and**

33 **(2) remains a member of the township fire department after**
34 **the powers and duties related to providing fire protection in**
35 **that township are transferred to the county on January 1,**
36 **2012;**

37 **is covered by this chapter, and the firefighter's service as a**
38 **member of a township fire department that was covered under this**
39 **chapter before January 1, 2012, is considered active service under**
40 **this chapter.**

41 SECTION 41. IC 36-8-8-1, AS AMENDED BY P.L.227-2005,
42 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2010]: Sec. 1. This chapter applies to:

(1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1, provided that the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; ~~and~~

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1; ~~and~~

(9) a full-time fully paid firefighter who:

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1 **(A) as of December 31, 2011, is a member of the 1977 fund**
 2 **as a firefighter with a township fire department; and**
 3 **(B) remains a member of the township fire department**
 4 **after the powers and duties related to providing fire**
 5 **protection in that township are transferred to the county**
 6 **on January 1, 2012.**

7 SECTION 42. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
 8 SECTION 575, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Except as provided in
 10 subsections (d), (e), (f), (g), (h), (k), (l), ~~and (m)~~, **and (n)**:

11 (1) a police officer; or

12 (2) a firefighter;

13 who is less than thirty-six (36) years of age and who passes the baseline
 14 statewide physical and mental examinations required under section 19
 15 of this chapter shall be a member of the 1977 fund and is not a member
 16 of the 1925 fund, the 1937 fund, or the 1953 fund.

17 (b) A police officer or firefighter with service before May 1, 1977,
 18 who is hired or rehired after April 30, 1977, may receive credit under
 19 this chapter for service as a police officer or firefighter prior to entry
 20 into the 1977 fund if the employer who rehires the police officer or
 21 firefighter chooses to contribute to the 1977 fund the amount necessary
 22 to amortize the police officer's or firefighter's prior service liability over
 23 a period of not more than forty (40) years, the amount and the period
 24 to be determined by the PERF board. If the employer chooses to make
 25 the contributions, the police officer or firefighter is entitled to receive
 26 credit for the police officer's or firefighter's prior years of service
 27 without making contributions to the 1977 fund for that prior service. In
 28 no event may a police officer or firefighter receive credit for prior years
 29 of service if the police officer or firefighter is receiving a benefit or is
 30 entitled to receive a benefit in the future from any other public pension
 31 plan with respect to the prior years of service.

32 (c) Except as provided in section 18 of this chapter, a police officer
 33 or firefighter is entitled to credit for all years of service after April 30,
 34 1977, with the police or fire department of an employer covered by this
 35 chapter.

36 (d) A police officer or firefighter with twenty (20) years of service
 37 does not become a member of the 1977 fund and is not covered by this
 38 chapter, if the police officer or firefighter:

39 (1) was hired before May 1, 1977;

40 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
 41 of which were repealed September 1, 1981); and

42 (3) is rehired after April 30, 1977, by the same employer.

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(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired by the police or fire department of a unit before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- (1) is employed by a unit that is participating in the 1977 fund;
 - (2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;
 - (3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and
 - (4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;
- shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the

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1 1977 fund and is not covered by this chapter if the individual was
2 appointed as:

- 3 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- 4 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

5 unless the executive of the unit requests that the 1977 fund accept the
6 individual in the 1977 fund and the individual previously was a
7 member of the 1977 fund.

8 (i) A police matron hired or rehired after April 30, 1977, and before
9 July 1, 1996, who is a member of a police department in a second or
10 third class city on March 31, 1996, is a member of the 1977 fund.

11 (j) A park ranger who:

- 12 (1) completed at least the number of weeks of training at the
- 13 Indiana law enforcement academy or a comparable law
- 14 enforcement academy in another state that were required at the
- 15 time the park ranger attended the Indiana law enforcement
- 16 academy or the law enforcement academy in another state;
- 17 (2) graduated from the Indiana law enforcement academy or a
- 18 comparable law enforcement academy in another state; and
- 19 (3) is employed by the parks department of a city having a
- 20 population of more than one hundred twenty thousand (120,000)
- 21 but less than one hundred fifty thousand (150,000);

22 is a member of the fund.

23 (k) Notwithstanding any other provision of this chapter, a police
24 officer or firefighter:

- 25 (1) who is a member of the 1977 fund before a consolidation
- 26 under IC 36-3-1-5.1 or IC 36-3-1-6.1;
- 27 (2) whose employer is consolidated into the consolidated law
- 28 enforcement department or the fire department of a consolidated
- 29 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and
- 30 (3) who, after the consolidation, becomes an employee of the
- 31 consolidated law enforcement department or the consolidated fire
- 32 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

33 is a member of the 1977 fund without meeting the requirements under
34 sections 19 and 21 of this chapter.

35 (l) Notwithstanding any other provision of this chapter, if:

- 36 (1) before a consolidation under IC 8-22-3-11.6, a police officer
- 37 or firefighter provides law enforcement services or fire protection
- 38 services for an entity in a consolidated city;
- 39 (2) the provision of those services is consolidated into the law
- 40 enforcement department or fire department of a consolidated city;
- 41 and
- 42 (3) after the consolidation, the police officer or firefighter

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becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) Notwithstanding any other provision of this chapter, a firefighter who:

(1) as of December 31, 2011, is a member of the 1977 fund as a firefighter with a township fire department; and

(2) remains a member of the township fire department after the powers and duties related to providing fire protection in that township are transferred to the county on January 1, 2012;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter. A firefighter described in this subsection is entitled to receive credit for all years of service as a member of the 1977 fund before becoming a member of the county fire department.

~~(m)~~ **(n)** A police officer or firefighter who is a member of the 1977 fund under subsection (k), ~~or~~ (l), **or (m)** may not be:

(1) retired for purposes of section 10 of this chapter; or

(2) disabled for purposes of section 12 of this chapter; solely because of a change in employer under the consolidation.

SECTION 43. IC 36-8-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) A county legislative body may establish fire protection districts for any of the following purposes:

(1) Fire protection, including the capability for extinguishing all fires that might be reasonably expected because of the types of improvements, personal property, and real property within the boundaries of the district.

(2) Fire prevention, including identification and elimination of all potential and actual sources of fire hazard.

(3) Other purposes or functions related to fire protection and fire prevention.

(b) Any area may be established as a fire protection district, but one (1) part of a district may not be completely separate from another part. A municipality may be included in a district, but only if it consents by ordinance, unless a majority of the freeholders of the municipality have petitioned to be included in the district.

(c) Except as provided in subsection (d), the territory of a district may consist of:

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(1) one (1) or more townships and parts of one (1) or more townships in the same county; or

(2) all of the townships in the same county.

The boundaries of a district need not coincide with those of other political subdivisions.

(d) The territory of a district may consist of a municipality that is located in more than one (1) county.

(e) The transfer of fire protection responsibilities to counties under IC 36-2-21 and IC 36-6-1.1 (effective January 1, 2012) from a township that does not approve a public question under IC 36-6-1.1 does not:

(1) terminate or otherwise affect a fire protection district in existence under this chapter as of December 31, 2011; or

(2) terminate or otherwise affect the authority of a county legislative body to establish fire protection districts under this chapter.

SECTION 44. IC 36-8-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. **(a)** Except as provided in section 10 of this chapter, this chapter applies to all units except counties.

(b) After December 31, 2011, the powers and duties of a township under this chapter are transferred to the county, if the township does not approve a public question under IC 36-6-1.1.

SECTION 45. IC 36-8-13-1, AS AMENDED BY P.L.227-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. **(a)** This chapter applies to all townships. However, this chapter does not apply to a township in which the fire department of the township has been consolidated under IC 36-3-1-6.1.

(b) If the township does not approve a public question under IC 36-6-1.1:

(1) the powers and duties of a township under this chapter are transferred to the county on January 1, 2012, for purposes of providing fire protection and emergency services in that township; and

(2) the following apply after December 31, 2011:

(A) The county executive has the powers and duties otherwise granted to or imposed on the township executive under this chapter.

(B) The county legislative body has the powers and duties otherwise granted to or imposed on the township legislative body under this chapter.

(C) The county fiscal body has the powers and duties

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1 otherwise granted to or imposed on the township fiscal
2 body under this chapter.

3 SECTION 46. IC 36-8-14-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) This chapter
5 applies to all units except counties.

6 (b) After December 31, 2011, the powers and duties of a
7 township under this chapter are transferred to the county, if the
8 township does not approve a public question under IC 36-6-1.1.

9 SECTION 47. IC 36-8-19-1, AS AMENDED BY P.L.227-2005,
10 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2010]: Sec. 1. (a) Except as provided in section 1.5 of this
12 chapter, this chapter applies to any geographic area that is established
13 as a fire protection territory.

14 (b) After December 31, 2011, the powers and duties of a
15 township under this chapter are transferred to the county, if the
16 township does not approve a public question under IC 36-6-1.1.

17 SECTION 48. IC 36-9-17.5-1 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) Except as
19 provided in subsection (b), this chapter applies to all townships.

20 (b) After December 31, 2011, the powers and duties of a
21 township under this chapter are transferred to the county, if the
22 township does not approve a public question under IC 36-6-1.1.

23 SECTION 49. IC 36-10-7-1 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) Except as
25 provided in subsection (b), this chapter applies to the townships
26 indicated in each section.

27 (b) After December 31, 2011, the powers and duties of a
28 township under this chapter are transferred to the county, if the
29 township does not approve a public question under IC 36-6-1.1.

30 SECTION 50. IC 36-10-7.5-1 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) Except as
32 provided in subsection (b), this chapter applies to all townships.

33 (b) After December 31, 2011, the powers and duties of a
34 township under this chapter are transferred to the county, if the
35 township does not approve a public question under IC 36-6-1.1.

36 SECTION 51. IC 36-12-1-7.5 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2010]: Sec. 7.5. (a) On January 1, 2012, in a
39 township in which the public question under IC 36-6-1.1 is
40 disapproved, all responsibilities and obligations of a township with
41 respect to a public library, library district, or provision or receipt
42 of library services by contract are terminated, and the township

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government's responsibilities and obligations are assumed by the county.

(b) The disapproval of a public question under IC 36-6-1.1 by a township does not terminate a public library, library district, or contract for provision or receipt of library services in existence on December 31, 2011.

SECTION 52. IC 36-12-2-13, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. This section applies to the appointment of members to the library board of a public library serving a library district that is entirely located in one (1) township and includes part or all of only one (1) municipality. For a public library under this section, the appointments under section 9(4) and 9(5) of this chapter shall be made as follows:

(1) One (1) member appointed as follows:

(A) Except as provided in clause (B), by the legislative body of the township in which the library district is located.

(B) After December 31, 2011, in the case of a township in which the public question under IC 36-6-1.1 is disapproved, the member is appointed by the legislative body of the county.

(2) One (1) member appointed by the legislative body of the municipality in which the library district is located.

SECTION 53. [EFFECTIVE JULY 1, 2010] **(a) The definitions in IC 20 apply throughout this SECTION.**

(b) This SECTION applies to a township:

(1) that is a school township under IC 20-23; and

(2) in which a majority of voters in the township do not approve a public question under IC 36-6-1.1.

(c) Before July 1, 2011, a school township that is in existence on July 1, 2010, shall reorganize under IC 20-23. The governing body shall hold public hearings to discuss the methods of reorganization available to the school township and seek testimony from the public, community and business leaders, teachers, administrators, and other school employees concerning the appropriate form for the reorganization.

(d) This SECTION expires July 1, 2013.

SECTION 54. [EFFECTIVE JULY 1, 2010] **(a) The term of each:**

(1) township trustee; or

(2) township board member;

of a township in which a majority of voters in the township do not approve a public question under IC 36-6-1.1, as added by this act,

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1 (including those individuals elected in the November 2, 2010,
2 election) expires January 1, 2012, and they are not entitled to any
3 compensation for actions taken after December 31, 2011.

4 (b) This SECTION expires July 1, 2012.

5 SECTION 55. [EFFECTIVE JULY 1, 2010] The legislative
6 services agency shall prepare, as directed by the legislative council,
7 legislation for introduction in the 2011 regular session of the
8 general assembly to organize and correct statutes affected by this
9 act, if necessary.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1181, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 11, between lines 26 and 27, begin a new line block indented and insert:

"(2) Earnings on the money deposited in the fund shall be deposited in the fund."

Page 11, line 27, delete "(2)" and insert "(3)".

Page 23, line 39, after "account." insert **"Earnings on the money deposited in the account shall be deposited in the account. Money in the account at the end of a budget year does not revert to the county general fund."**

Page 24, line 29, delete "township" and insert "county".

Page 24, line 42, after "1." insert "(a)".

Page 24, after line 42, begin a new paragraph and insert:

"(b) With respect to the transfer of duties under section 5 of this chapter, the county executive:

(1) in a county not having a consolidated city, is the county legislative body; and

(2) in a county having a consolidated city, is the mayor of the consolidated city."

Page 36, line 32, delete "township" and insert "county".

and when so amended that said bill do pass.

(Reference is to HB 1181 as introduced.)

BARTLETT, Chair

Committee Vote: yeas 11, nays 0.

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